

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2005 SENATE BILL 186**

1 **AN ACT** *to repeal* 146.50 (1) (cm), 146.50 (1) (o), 146.50 (6g) (b) 1., 146.50 (6g) (b)
2 2. and 146.50 (8g); *to renumber and amend* 895.48 (4) (a); *to amend* 146.50
3 (1) (im) 3., 146.50 (8) (e), 895.48 (4) (b) (intro.) and 895.48 (4) (b) 1.; and *to create*
4 146.50 (1) (cr), 146.50 (6g) (b) 2m. and 895.48 (4) (ag) of the statutes; **relating**
5 **to:** substituting the term automated external defibrillator for the terms
6 automatic defibrillator and semiautomatic defibrillator; and providing
7 immunity from civil liability for users, owners, and providers of automated
8 external defibrillators for acts or omissions in rendering emergency care in good
9 faith.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 146.50 (1) (cm) of the statutes is repealed.

SECTION 2. 146.50 (1) (cr) of the statutes is created to read:

146.50 **(1)** (cr) “Automated external defibrillator” means a defibrillator device to which all of the following apply:

1. It is approved for commercial distribution by the federal food and drug administration.

2. It is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and of determining without intervention by the user of the device whether defibrillation should be performed.

3. After having determined that defibrillation should be performed, it is capable, either at the command of an operator or without intervention by an operator, of delivering an electrical shock to an individual.

SECTION 3. 146.50 (1) (im) 3. of the statutes is amended to read:

146.50 **(1)** (im) 3. In the case of a defibrillator that may be operated ~~in either an automatic or a manual mode~~ as a manual defibrillator or as an automated external defibrillator, is set to operate ~~in the manual mode~~ as a manual defibrillator.

SECTION 4. 146.50 (1) (o) of the statutes is repealed.

SECTION 5. 146.50 (6g) (b) 1. of the statutes is repealed.

SECTION 6. 146.50 (6g) (b) 2. of the statutes is repealed.

SECTION 7. 146.50 (6g) (b) 2m. of the statutes is created to read:

146.50 **(6g)** (b) 2m. An automated external defibrillator.

SECTION 8. 146.50 (8) (e) of the statutes is amended to read:

146.50 **(8)** (e) A certified first responder is authorized to use an ~~automatic or semiautomatic~~ automated external defibrillator, as prescribed for first responders in rules promulgated by the department. The rules shall set forth authorization for the

1 use of an ~~automatic defibrillator, a semiautomatic~~ automated external defibrillator
2 or, for a defibrillator that may be operated in more than one mode, use ~~in the~~
3 ~~automatic or semiautomatic mode~~ as an automated external defibrillator only. A
4 certified first responder is also authorized to employ other techniques, including the
5 administration of nonvisualized advanced airways, and the administration of
6 medications that are specified by the department by rule. In promulgating the rules
7 under this paragraph, the department shall consult with the state medical director
8 for emergency medical services and the emergency medical services board. The rule
9 shall include those techniques that are specified in the most current guidelines
10 issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3
11 (a) (5).

12 **SECTION 9.** 146.50 (8g) of the statutes is repealed.

13 **SECTION 10.** 895.48 (4) (a) of the statutes is renumbered 895.48 (4) (am), and
14 895.48 (4) (am) (intro.), 2., 3. and 4., as renumbered, are amended to read:

15 895.48 **(4)** (am) (intro.) Any of the following ~~who meets the applicable~~
16 ~~requirements of s. 146.50 (8g) and who acts within the applicable limitations of s.~~
17 ~~146.50 (8g), other than an emergency medical technician or a first responder —~~
18 defibrillation, is immune from civil liability for the acts or omissions of a person in
19 rendering in good faith emergency care by use of ~~a semiautomatic~~ an automated
20 external defibrillator ~~under s. 146.50 (8g)~~ to an individual who appears to be in
21 cardiac arrest:

22 2. The owner of the ~~semiautomatic~~ automated external defibrillator, ~~as~~
23 ~~specified in s. 146.50 (8g) (c).~~

24 3. The person who provides the ~~semiautomatic~~ automated external
25 defibrillator for use, ~~as specified in s. 146.50 (8g) (c)~~ if the person ensures that the

1 automated external defibrillator is maintained and tested in accordance with any
2 operational guidelines of the manufacturer.

3 4. The provider of Any person who provides training required under s. 146.50
4 ~~(8g) (b)~~ in the use of an automated external defibrillator to the person who renders
5 care.

6 **SECTION 11.** 895.48 (4) (ag) of the statutes is created to read:

7 895.48 **(4)** (ag) In this subsection:

8 1. “Cardiac arrest” means the sudden cessation of cardiac function and the
9 disappearance of arterial blood pressure that connote ventricular fibrillation or
10 pulseless ventricular tachycardia.

11 2. “Pulseless ventricular tachycardia” means a disturbance in the normal
12 rhythm of the heart that is characterized by rapid electrical activity of the heart with
13 no cardiac output.

14 **SECTION 12.** 895.48 (4) (b) (intro.) of the statutes is amended to read:

15 895.48 **(4)** (b) (intro.) The immunity specified in par. ~~(a)~~ (am) does not extend
16 to any of the following:

17 **SECTION 13.** 895.48 (4) (b) 1. of the statutes is amended to read:

18 895.48 **(4)** (b) 1. A person whose act or omission resulting from the use or the
19 provision for use of the semiautomatic automated external defibrillator constitutes
20 gross negligence.

21 (END)